

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KOSHER SPORTS, INC.,

Plaintiff,

- against -

QUEENS BALLPARK COMPANY, LLC,

Defendant.

ORDER

10-CV-2618

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 17 2012 ★
BROOKLYN OFFICE

JACK B. WEINSTEIN, Senior United States District Judge:

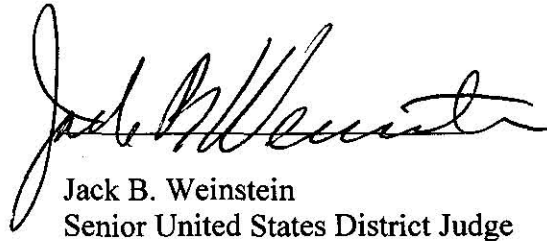
In February 2012, summary judgment was granted in favor of defendant-counterclaim-plaintiff Queens Ballpark Company, LLC (or "QBC") against plaintiff-counterdefendant Kosher Sports, Inc. (or "KSI"); KSI's breach of contract claim against QBC was dismissed and QBC was granted summary judgment on its own breach of contract claim. *See* Memorandum and Order, Kosher Sports, Inc. v. Queens Ballpark Company LLC, No. 10-CV-2618 (E.D.N.Y. Feb. 21, 2012), CM/ECF No. 139. KSI's motion for partial summary judgment was denied.

Respectfully requested from the magistrate judge was the preparation of a Report and Recommendation regarding the appropriate remedy. *See id.* at 4. The magistrate judge prepared a Report and Recommendation in accordance with that request. *See* Report and Recommendation, Kosher Sports, Inc. v. Queens Ballpark Company LLC, No. 10-CV-2618 (E.D.N.Y. Mar. 27, 2012), CM/ECF No. 152. Recommended was the entry of a judgment (1) dismissing KSI's claims; (2) awarding QBC \$55,000 on its counterclaim for breach of contract, that amount being inclusive of interest as well as costs and disbursements; and (3) the dismissal of the second and third counterclaims asserted by QBC. *See id.* at 4. No objection to the

magistrate judge's Report and Recommendation was taken. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

The magistrate judge's Report and Recommendation is adopted in full. The Clerk of Court shall enter judgment (1) dismissing the claims of Kosher Sports, Inc.; (2) awarding Queens Ballpark Company, LLC \$55,000 on its first counterclaim (for breach of contract), said amount inclusive of interest as well as costs and disbursements; and (3) dismissing the second and third counterclaims of Queens Ballpark Company, LLC, as duplicative of the breach of contract counterclaim.

SO ORDERED.



Jack B. Weinstein
Senior United States District Judge

Date: May 17, 2012
Brooklyn, New York